

House Engrossed

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 53

HOUSE BILL 2209

AN ACT

AMENDING TITLE 13, CHAPTER 37, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3723; RELATING TO THE UNLAWFUL RECORDING OF MOTION PICTURES.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 13, chapter 37, article 1, Arizona Revised Statutes,
3 is amended by adding section 13-3723, to read:

4 13-3723. Unlawful operation of a recording device with the
5 intent to record a motion picture; classification;
6 definitions

7 A. IT IS UNLAWFUL FOR A PERSON TO KNOWINGLY OPERATE AN AUDIOVISUAL
8 RECORDING FUNCTION OF A DEVICE IN A FACILITY IN WHICH A MOTION PICTURE IS
9 BEING EXHIBITED WITH THE INTENT TO RECORD THE MOTION PICTURE WHEN THAT PERSON
10 KNEW OR SHOULD HAVE KNOWN THEY WERE DOING SO WITHOUT THE CONSENT OF THE OWNER
11 OR LESSEE OF THE FACILITY IN WHICH THE MOTION PICTURE IS BEING EXHIBITED.

12 B. WITH REASONABLE CAUSE, A PERSON MAY DETAIN ON THE PREMISES IN A
13 REASONABLE MANNER AND FOR A REASONABLE TIME ANY PERSON SUSPECTED OF THE
14 UNLAWFUL RECORDING OF A MOTION PICTURE AS PRESCRIBED IN SUBSECTION A FOR
15 QUESTIONING OR SUMMONING A LAW ENFORCEMENT OFFICER. FOR THE PURPOSES OF THIS
16 SUBSECTION, "PERSON" MEANS:

17 1. THE OWNER OR LESSEE OF A FACILITY IN WHICH A MOTION PICTURE IS
18 BEING EXHIBITED OR THE OWNER'S OR LESSEE'S AUTHORIZED AGENT OR EMPLOYEE.

19 2. THE LICENSOR OF THE MOTION PICTURE BEING EXHIBITED OR THE
20 LICENSOR'S AUTHORIZED AGENT OR EMPLOYEE.

21 C. THIS SECTION DOES NOT PREVENT ANY FEDERAL OR STATE LAW ENFORCEMENT
22 AGENCY OR OFFICER THAT IS ENGAGED IN ANY INTELLIGENCE GATHERING ACTIVITIES
23 OR ANY OTHER LAWFUL INVESTIGATION FROM OPERATING ANY AUDIOVISUAL RECORDING
24 DEVICE IN ANY FACILITY IN WHICH A MOTION PICTURE IS BEING EXHIBITED.

25 D. THIS SECTION DOES NOT PREVENT PROSECUTION UNDER ANY OTHER PROVISION
26 OF LAW THAT PROVIDES FOR A GREATER PENALTY.

27 E. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 1
28 MISDEMEANOR.

29 F. FOR THE PURPOSES OF THIS SECTION:

30 1. "AUDIOVISUAL RECORDING FUNCTION" MEANS THE CAPABILITY OF A DEVICE
31 TO RECORD OR TRANSMIT A MOTION PICTURE OR ANY PART OF A MOTION PICTURE BY
32 MEANS OF ANY TECHNOLOGY NOW KNOWN OR LATER DEVELOPED.

33 2. "FACILITY" MEANS ANY THEATER, SCREENING ROOM, INDOOR OR OUTDOOR
34 SCREENING VENUE, AUDITORIUM, BALLROOM OR OTHER PREMISES WHERE MOTION PICTURES
35 ARE PUBLICLY EXHIBITED, REGARDLESS OF WHETHER AN ADMISSION FEE IS CHARGED,
36 BUT DOES NOT INCLUDE THE LOBBY AREA OF A THEATER OR A PERSONAL RESIDENCE.

APPROVED BY THE GOVERNOR APRIL 7, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 7, 2004.

Passed the House March 8, 2004

Passed the Senate March 31, 2004

by the following vote: 51 Ayes,

by the following vote: 29 Ayes,

7 Nays, 2 Not Voting

0 Nays, 1 Not Voting

Jake Flake
Speaker of the House

Ken Bennett
President of the Senate

Norman L. Moore
Chief Clerk of the House

Charmine Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

1st day of April, 2004

at 1:40 o'clock P. M.

Jennifer Ibarra
Secretary to the Governor

Approved this 7 day of

Apr. 1, 2004

at 10²⁵ o'clock A. M.

J. N. ...
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 7 day of April, 2004

at 12:18 o'clock P. M.

Janice K. Brewer
Secretary of State

H.B. 2209